IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18527 OF 2005

Dated : August 24, 2005

Between:

C. Meenakshamma

Petitioner

AND

The District Collector,

Nellore District, Nellore and two others

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18527 OF 2005

ORAL ORDER:

Aggrieved of the action of the respondents in trying to reassign an extent of Ac.3.00 in Sy. No.141/1P of Duppalavari Kandriga Hamlet of Vedurupattu village, Doravarisatram Mandal, Nellore District, which was assigned to the petitioner's husband in 1974 vide patta No.191, she filed the instant writ petition.

The case of the petitioner is that her husband, being landless poor, was assigned the above said land in 1974 and since then they have been in possession of the same and made fit for cultivation spending huge amount. It is submitted that the name of her husband is recorded in 10(1) account, but to their misfortune, the documents in respect of the said land were washed away in the floods of 1984. While so, the officials of the 3rd respondent went to the village and enquired about the land, then she came to know that the respondents are contemplating to reassign the land to third parties. As such she filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader.

Prima facie, the petitioner appears to be in possession of the land, as per 10(1) Account. Therefore, if the respondents want to reassign the land, they cannot just assign the land to third parties, but they are required to follow due process of law.

Therefore, without dwelling on the merits of the case, the writ petition is disposed of at the stage of admission, directing the respondents to follow due process of law, if they intend to assign the land in question to third parties. With this direction, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 24, 2005.

MAS.